

The opinion in support of the decision being entered today was **not** written for publication is **not** binding precedent of the Board.

Paper No. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HIROMICHI TAGUCHI, KENICHIRO TAKAYANAGI
and MITSUHIRO KAWASE

Appeal No. 1998-0907
Application 08/121,365

ON BRIEF

Before THOMAS, BARRETT, and HECKER, **Administrative Patent Judges**.

HECKER, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 7 and 8, all claims pending in this application.

Appellants' invention relates to a cathode ray tube which

employs a structure for mounting a color selecting electrode within the cathode ray tube. In particular, looking at Figure 3A, color selecting electrode 6 is mounted on a frame 7.

Supporting members 8 and 9 are adapted to engage with pins in the cathode ray tube face plate. It is noted that supporting members 9 extend away from the frame in a direction perpendicular to the plane of the face plate. This is different from the prior art of Figure 2 wherein all support members 16 extend in a direction parallel to the plane of the face plate.

Independent claim 7 is reproduced as follows:

7. A cathode ray tube comprising:

- a) a planar face plate panel having a plurality of pins;
- b) a rectangular frame having four side members;
- c) a color selecting electrode mounted on said frame; and
- d) four supporting members being engaged with said pins, each joining with a central portion of one of said side members of said frame, at least two opposed ones of said supporting members extending away from said frame in a direction perpendicular to the plane of said face plate panel,

Wherein the distance between a middle point of a side member of said frame and a point where said supporting member is joined with said frame is less than one-sixth of such side frame.

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The reference relied on by the Examiner is as follows:

Ragland, Jr.	4,455,505	Jun. 19, 1984
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Claims 7 and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ragland.

Rather than repeat the arguments of Appellants or the Examiner, we make reference to the brief and the answer for the respective details thereof.

OPINION

After a careful review of the evidence before us, we agree with the Examiner that claims 7 and 8 are anticipated under 35 U.S.C. § 102 by Ragland.

It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim. **See *In re King***, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and ***Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.***, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984). "Anticipation is established only when a single prior art reference

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discloses, expressly or under principles of inherency, each and every element of a claimed invention." **RCA Corp. v.**

Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984), *cert. dismissed*, 468 U.S. 1228 (1984), *citing Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983).

Appellants argue (brief-pages 3 and 4) that Ragland teaches all supporting members as being parallel to the frame, as opposed to that recited in claim 7 wherein:

at least two opposed ones of said supporting members extending away from said frame in a direction perpendicular to the plane of said face plate panel[.]

The Examiner responds:

Further, it is noted that it is clear from Fig. 3 that the support members include portions (see for example portions 62 and 64 in Fig. 3) that extend away from the frame in a direction perpendicular to the plane of the face plate. [Answer-page 4.]

As pointed out by our reviewing court, we must first determine the scope of the claim. "[T]he name of the game is the claim." **In re Hiniker Co.**, 150 F.3d 1362, 1369, 47 USPQ2d 1523,1529 (Fed. Cir. 1998). It is clear from Ragland's Figure

3, that **portions** of the support members meet the recited claim language. This is additionally confirmed at column 3, lines 10-12 wherein it states:

There are two flanges 62 and 64 extending substantially perpendicularly from the sides of the base portion 56.

Appellants' claim language does not designate any particular **portion** of the support member, and as such, is fully met by Ragland as explained by the Examiner¹. Appellants have not contested this explanation. Thus, we will sustain the Examiner's rejection of claim 7.

With respect to claim 8, Appellants repeat the same argument made with respect to claim 7, namely that all of Ragland's support members are parallel to the frame (and we assume parallel to the plane of the face plate). As explained by the Examiner, **portions** of Ragland's support members are perpendicular to the face plate as claimed. Thus, we will sustain the Examiner's rejection of claim 8 for the same reasons supra.

¹ We note that in Appellants' prior art Figure 2, portions of support member 16 are also perpendicular to the plane of the face plate.

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In view of the foregoing, the decision of the Examiner
rejecting claims 7 and 8 under 35 U.S.C. § 102 is affirmed.

No time period for taking any subsequent action in
connection with this appeal may be extended under 37 CFR
§ 1.136(a).

AFFIRMED

JAMES D. THOMAS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
LEE E. BARRETT)	
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